



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 8, 1998

Mr. Leah Curtis Morris  
Law Offices of Harold F. Curtis, Jr.  
P.O. Box 1256  
Greenville, Texas 75403-1256

OR98-0924

Dear Ms. Morris:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114617.

The Greenville Police Department (the "department") received an open records request for records pertaining to a particular police dispatch. You state that the department has released to the requestor the "front page offense report information" as required by *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). You seek to withhold all of the remaining information pursuant to section 552.108 of the Government Code. You also contend that some of the requested information is made confidential by state and federal law.

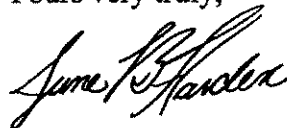
Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Because you state that the records before us pertain to a pending criminal prosecution, we generally agree that section 552.108(a)(1) is applicable in this instance.

We note, however, that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). In this regard we note that the "PCALLS Screen Print Reports" submitted to this office consist solely of the types of information generally considered to be public under *Houston Chronicle*, and thus may not be withheld pursuant to section 552.108. Although you contend that various state and federal statutes make these records confidential, this office does not believe those statutes to be applicable. The department must release the PCALL records in their entirety.

The only other documents you have submitted to this office for review are the criminal complaint and the "Municipal Court Filing Information" sheet. If either of these records have been filed with the municipal court, they may not be withheld from the public pursuant to section 552.108. See Open Records Decision No. 287 (1981) ("law enforcement" exception not intended to shield from public view information in hands of police units that, absent special law enforcement needs or circumstances, would ordinarily be available to public if possessed by a different governmental unit). Cf. *Star-Telegram v. Walker*, 834 S.W.2d 54 (Tex. 1992) (information contained in public court records not protected by common-law privacy).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/RWP/gle

Ref.: ID# 114617

Enclosures: Submitted documents

cc: Ms. Vivian Bishop  
P.O. Box 181  
Greenville, Texas 75403  
(w/o enclosures)